

AN ORDINANCE

**96626**

**AUTHORIZING PAYMENT TO CHICAGO TITLE IN THE AMOUNT OF \$500,450.00 AS ESCROW AGENT FOR FEE SIMPLE PURCHASE OF A 78.39 ACRE TRACT OF LAND SITUATED BETWEEN THE THRIFT RANCH PRESERVE AND MENCHACA ROAD IN NORTHWEST BEXAR COUNTY, TEXAS, UNDER THE AUSPICES OF THE PROPOSITION THREE EDWARDS LAND ACQUISITION AND PARK EXPANSION PROJECT WITH THE LAND COSTS PAID FROM THE EDWARDS AQUIFER AUTHORITY AND THE SAN ANTONIO WATER SYSTEMS IN EXCHANGE FOR CONSERVATION EASEMENTS ON THE 78.39 ACRE TRACT; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN ANTONIO AND SAN ANTONIO WATER SYSTEM PROVIDING FOR THE JOINT PURCHASE OF A FUTURE PROPERTY MEETING REQUIREMENTS OF BOTH AGENCIES EDWARD'S AQUIFER PROTECTION PROGRAMS; AUTHORIZING PAYMENT OF \$5,000.00 TO THE BEXAR LAND TRUST FOR ITS SERVICES IN NEGOTIATING, INVESTIGATING AND PURCHASING SAID PROPERTY; AUTHORIZING THE EXECUTION OF A REAL ESTATE PURCHASE CONTRACT TO ACCOMPLISH SAID PURCHASE.**

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**WHEREAS**, under Proposition 3 of the election held on May 6, 2000, the voters of San Antonio approved an increase in the sales tax to fund the purchase of new parkland in the Edwards Aquifer zones as well as linear parks along Leon Creek and Salado Creek; and

**WHEREAS**, the ordinance authorizing that election also created the Conservation Advisory Board (CAB) and the Scientific Evaluation Team (SET) to advise the City Council on purchases of property under the program; and

**WHEREAS**, the SET created a GIS model composed of forty-three (43) different layers of information that take into consideration the hydrogeology, watersheds, and biology over northern Bexar County; and

**WHEREAS**, the CAB, using that model, has now identified a certain parcel of land for purchase and has voted on October 7, 2002 to recommend purchase of this parcel; and

**WHEREAS**, the Planning Commission reviewed this purchase on October 23, 2002 and recommended the purchase of this property; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**Section 1.** The City Manager, or her designee, is hereby authorized to execute an assignment agreement with Bexar Land Trust, after review and approval by the City Attorney's office, accepting assignment of a Real Estate Purchase Contract, a copy of which is attached hereto as Attachment I, for the purchase of a certain 78.39 acres of land more or less, located in Bexar County Texas, more particularly described in Exhibit "A" to the Real Estate Purchase Contract for a purchase price of \$500,000.00.

**Section 2.** The City Manager, or her designee, is hereby authorized to execute any necessary documents to close said purchase.

**Section 3.** The City Manager, or her designee, is hereby authorized to execute and deliver conservation easements, in substantially the same form as Attachment II hereto, on the property to the Edward's Aquifer Authority and San Antonio Water System in consideration for their payments to the City of San Antonio of \$100,000.00 and \$125,000.00 respectively.

**Section 4.** The City Manager, or her designee, is hereby authorized to execute a Memorandum of Understanding with San Antonio Water System, after review and approval by the City Attorney's office, authorizing the future joint purchase of a conservation property under the Proposition 3 guidelines, in exchange for a further \$275,000.00 contribution to the purchase of this property.

**Section 5.** Budgeted Revenue in the amount of \$125,000.00 is authorized to be established in Fund 41-028002, Parks Development & Expansion. Revenue Index Code 072694, entitled Contribution from the Edwards Aquifer Authority, is authorized to be increased upon receipt of payment.

**Section 6.** Budgeted Revenue in the amount of \$375,000.00 is authorized to be established in Fund 41-028002, Parks Development & Expansion. Revenue Index Code 072959, entitled Contribution from SAWS, is authorized to be increased upon receipt of payment.

**Section 7.** The amount of \$500,000.00 is appropriated in Fund 41-028002, Parks Development & Expansion, in Index Code 674978, entitled Land Acquisition, and is authorized to be encumbered and made payable to Chicago Title, in connection with the Proposition Three Edwards Land Acquisition and Park Expansion Project.

**Section 8.** The amount of \$450.00 is to be encumbered in Fund 41-028002, Parks Development & Expansion, in Index Code 674929, entitled Closing Costs, and is authorized to be made payable to Chicago Title, in connection with the Proposition Three Edwards Land Acquisition and Park Expansion Project.

**Section 9.** The budget in Fund 41-028095, Parks Development & Expansion, shall be revised by reducing Index Code 684837, entitled Unallocated Appropriations, in the amount of \$5,000.00.

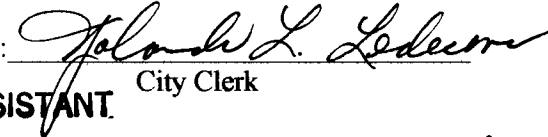
**Section 10.** The amount of \$5,000.00 is appropriated in Fund 41-028002, Parks Development & Expansion, in Index Code 685321, entitled Negotiation Fee, and is authorized to be encumbered and made payable to Bexar Land Trust, in connection with the Proposition Three Edwards Land Acquisition and Park Expansion Project.


**Section 11.** The Director of Finance may correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance. Any payments authorized under this ordinance necessary to be paid through the closing process may be made payable to Marathon Title Company as escrow agent for the closing of this real estate purchase transaction.

**Section 12.** This ordinance will become effective on the tenth (10th) day after passage hereof.

PASSED AND APPROVED this 24<sup>th</sup> day of October, 2002

  
M A Y O R PRO TEM  
EDWARD D. GARZA

ATTEST:   
ASSISTANT City Clerk

APPROVED AS TO FORM:   
City Attorney